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Please type a plus sign (+) inside this box → Approved for use through 10/31/2002. OMB 0651-0032  
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05/29/01

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

- Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
- Applicant claims small entity status.  
See 37 CFR 1.27.
- Specification [Total Pages **44**]   
*(preferred arrangement set forth below)*
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (*if filed*)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- Drawing(s) (35 U.S.C. 113) [ Total Sheets  ]
- Oath or Declaration [ Total Pages **6** ]   
 a.  Newly executed (original or copy)  
 b.  Copy from a prior application (37 CFR 1.63 (d))  
*(for continuation/divisional with Box 18 completed)*
  - i.  **DELETION OF INVENTOR(S)**  
 Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- Application Data Sheet. See 37 CFR 1.76

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation     Divisional     Continuation-in-part (CIP)of prior application No.: **09,369,012**

Prior application information:

Examiner **Hope Robinson**Group Art Unit: **1653**

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input type="checkbox"/> Customer Number or Bar Code Label		(Insert Customer No. or Attach bar code label here.)		or <input checked="" type="checkbox"/> Correspondence address below	
Name	<b>Ellen Leonnig</b>				
Address	<b>TEI Biosciences, Inc.</b>				
City	<b>Boston</b>	State	<b>MA</b>	Zip Code	<b>02127</b>
Country	<b>USA</b>	Telephone	<b>(617-268-1616 *217)</b>		
Name (Print/Type)	<b>Ellen Leonnig</b>		Registration No. (Attorney/Agent)	<b>P-48,159</b>	
Signature	<b>Ellen Leonnig</b>		Date	<b>5/29/01</b>	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)  
**1356**

## Complete if Known

Application Number	/
Filing Date	
First Named Inventor	Bell
Examiner Name	Hope Robinson
Group Art Unit	1653
Attorney Docket No.	TSS-017CN

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number	
Deposit Account Name	

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
 Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit card  Money Order  Other

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Fee Code (\$)	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65 Surcharge - late filing fee or oath	
127	50	227	25 Surcharge - late provisional filing fee or cover sheet	
139	130	139	130 Non-English specification	
147	2,520	147	2,520 For filing a request for ex parte reexamination	
112	920*	112	920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840* Requesting publication of SIR after Examiner action	
115	110	215	55 Extension for reply within first month	
116	390	216	195 Extension for reply within second month	
117	890	217	445 Extension for reply within third month	
118	1,390	218	695 Extension for reply within fourth month	
128	1,890	228	945 Extension for reply within fifth month	
119	310	219	155 Notice of Appeal	
120	310	220	155 Filing a brief in support of an appeal	
121	270	221	135 Request for oral hearing	
138	1,510	138	1,510 Petition to institute a public use proceeding	
140	110	240	55 Petition to revive - unavoidable	
141	1,240	241	620 Petition to revive - unintentional	
142	1,240	242	620 Utility issue fee (or reissue)	
143	440	243	220 Design issue fee	
144	600	244	300 Plant issue fee	
122	130	122	130 Petitions to the Commissioner	
123	50	123	50 Processing fee under 37 CFR 1.17(q)	
126	180	126	180 Submission of Information Disclosure Stmt	
581	40	581	40 Recording each patent assignment per property (times number of properties)	
146	710	246	355 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355 For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355 Request for Continued Examination (RCE)	
169	900	169	900 Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)  
**0**

## SUBMITTED BY

Name (Print/Type)	Ellen Leonning	Registration No. (Attorney/Agent)	P-48,159	Complete (if applicable)	
Signature	Ellen Leonning	Telephone	617-268-1666 (#217)	Date	5/29/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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**CONTINUATION APPLICATION**  
**UNDER 37 CFR 1.53(b)**

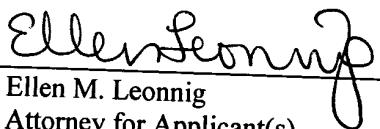
DOCKET NUMBER	ANTICIPATED CLASSIFICATION:		PRIOR APPLICATION SERIAL NUMBER: 09/369,012	PRIOR APPLICATION FILING DATE: August 5, 1999
TSS-017CN	CLASS: 435	SUBCLASS:	EXAMINER: Hope Robinson	ART UNIT: 1653

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" in an envelope addressed to: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231, on the date set forth below.

May 29, 2001  
Date of Signature and of Mail Deposit  
E T 014051869US  
Express Mail Label Number

  
By: Ellen M. Leonig  
Attorney for Applicant(s)

Dear Sir:

This is a request for filing a continuation application under 37 CFR 1.53(b), of pending prior application serial no. 09/369,012 filed on August 5, 1999, of Eugene Bell and Tracy M. Sioussat entitled BONE PRECURSOR COMPOSITIONS. The contents of all of the aforementioned application(s) are hereby incorporated by reference.

1. Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:  
44 page(s) of specification;  
6 page(s) of information disclosure statement and supplemental information disclosure statement;  
6 page(s) of declaration and previous powers of attorney; and  
4 page(s) of amendments to claims;

I hereby verify that the attached papers are a true copy of the prior complete application serial no. 09/369,012 as originally filed on August 5, 1999.

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2. The fee for filing this continuation application, as set forth in 37 CFR 1.16 is \$1,356.00; the fee was calculated as follows: \$710.00 is basic fee for a non-small-entity under 37 CFR 1.16(a); 160.00 is fee for 2 independent claims in excess of 3 under 37 CFR 1.16(b); and \$486.00 is fee for 27 claims in excess of 20 under 37 CFR 1.16(c).
3. A check in the amount of **\$1,356.00** is enclosed for payment of the filing fee.
4. Cancel in this application original **claims 11-14 and 17** before calculating the filing fee.
5. A preliminary amendment is enclosed.
6. Amend the specification by inserting before the first line the sentence: "This application is a continuation application of serial no. 09/369,012 filed on August 5, 1999. The contents of all of the aforementioned application(s) are hereby incorporated by reference."
7. The provisional application of the prior application, serial no. **60/095,627**, was assigned of record to **Tissue Engineering, Inc.** (Reel/Frame **9697/0318**). A copy of the document effecting applicant's change of name to **TEI Biosciences, Inc.** is enclosed.
8. The powers of attorney in the prior application were to **Thomas V. Smurzynski et al.** The previous powers of attorney were revoked, and a new power of attorney was executed. A copy of the change of power of attorney to **Ellen M. Leonnig** is enclosed.

TSS-017CN

9. Address all future communications to Ellen M. Leonnig, Esq. at the following address:

**TEI Biosciences, Inc.**  
**7 Elkins Street**  
**Boston, MA 02127**

and direct telephone calls to Ellen M. Leonnig at **(617) 268-1616 (ext. 217)**.

Respectfully submitted,  
TEI BIOSCIENCES, INC.

*Ellen Leonnig*  
Ellen M. Leonnig, Esq.  
Provisional Reg. No. P-48,159  
Attorney for Applicant(s)  
(37 CFR 1.34(a))

7 Elkins Street  
Boston, MA 02127  
Tel. (617) 268-1616 (ext. 217)

Enclosures

OEE62022-05-001